

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL BUSINESS CREDIT LLC,

Chapter 7

Plaintiff

Case No: 12-14472-SCC

-against-

SANDEEP SHARMA,

Defendants

-----X

CAPITAL BUSINESS CREDIT LLC,

Plaintiff

Adv. Proc. No.13-01346-

SCC

-against-

SANDEEP SHARMA,

Defendants

-----X

**STATEMENT PURSUANT TO LOCAL CIVIL RULE 7056-1**

Pursuant to Local Rule 7056-1 of the United States Bankruptcy Court for the Southern District of New York and in opposition to plaintiff's motion (the "Motion") pursuant to Fed.R.Bankr.P 7056, incorporating by reference Fed.R.Civ.P. 5, seeking summary judgment on each of plaintiff's claim for relief against defendant Sandeep Sharma ("Sharma") in the complaint filed herein on May 13, 2013 and (b) dismissing the affirmative defense and counterclaims asserted in Sharma's Answer, Affirmative Defenses and Counterclaims dated June 13,2013 (the "Answer"), Sandeep Sharma ("Sharma"), respectfully submits the following statement of material facts as to which there are genuine issues requiring a fact finding trial.

### **RELEVANT BACKGROUND**

Paragraph A1 concerning the plaintiffs statues regarding corporation is not disputed by the defendant. ¶2 of Statement of Fact is also admitted to the extent that Defendant Sharma was the sole stock shareholder and president of the named corporations.

3. The fact that Sharma's companies seized doing business on or prior to August 24, 2012. is wrong and as such disputed. See ¶16-19 of Sharma Affidavit.

### **Procedural History**

Contents of procedural history for ¶4-7 are undisputed. See the Financing agreement and related documents. Contents of ¶8-13 are undisputed to the extent that the said documents were executed by and between the parties.

### **The Companies Default**

Content of ¶14-17 of plaintiff statement of facts are disputed by the defendant. See Sharma Affidavit ¶15-19

### **Sharma's interference with Capitals right to obtain the**

### **warehouses books and records.**

Contents of ¶18-26 are wrong and are disputed by defendant particularly see Sharma Affidavit ¶17-21 and Exhibit A1 and Exhibit C.

### **The False and Fraudulent Assignment**

Contents of ¶26-39 are disputed by defendant. See Sharma Affidavit ¶27, 28 and Exhibit

B.

**The False and Fraudulent June Inventory Certification**

Contents of ¶40-47 are disputed by the defendant. See Sharma affidavit ¶29-33 and Exhibit B

**Sharma's sale of missing inventory for his own gain**

Contents of ¶48-54 are denied and disputed by defendant. See Sharma affidavit par 34 and 35.

**Sharma's attempt to broker a sale through a Jobber**

The Contents of ¶55-58 are denied and disputed by the Defendant. See Sharma Affidavit ¶36 and 37.

**The CSH Inventory**

Contents of ¶59-67 are denied and disputed my plaintiff. See Sharma affidavit ¶38-40 and Exhibit D.

**The Bermo Inventory**

Contents of ¶68-73 are denied and disputed by the defendant. See Sharma Affidavit ¶41 and 42 and also see Plaintiffs Exhibit 34-36 attached to Grbic Affidavit.

**Sharma's sale of StatCo to Rao was Illusory**

Contents of ¶74-83 are denied and disputed by the defendant. See Sharma Affidavit ¶43-45 and also see Affidavit of Rao attached as Exhibit 37 to the Grbic Affidavit.

January 29, 2014

New York, NY

LAW OFFICES OF SANJAY CHAUBEY

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